

*Post 9/5/70*

## Klan Attempt To Arrest Judge Fails

RICHMOND, Sept. 4 (AP)—  
The grand dragon of the Virginia Ku Klux Klan tried unsuccessfully today to have a federal warrant issued for a U.S. district judge who ordered busing to achieve racial balance in Richmond and other school districts in the state.

Robert S. Hudgins, head of the United Klans, Realm of Virginia, asked for the warrant for the arrest of U.S. District Judge Robert R. Merhige Jr. from U.S. Attorney Gerald Lowe — and was refused.

Before Richmond schools opened last Monday, Hudgins had said that under a new desegregation plan ordered by Merhige, the Klan would seek the arrest of any federal official who ordered pupil-busing — on the ground that the order violated the Civil Rights Act of 1964.

The act prohibits any court from directing the transportation of pupils from school to school, or from school district to school district, to achieve racial balance, Hudgins said.

Lowe said he denied Hudgins' request for an arrest warrant for Merhige because in ordering busing, the judge was interpreting the U.S. Constitution, which takes precedence over laws passed by Congress.